

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

Index No.: \_\_\_\_\_/19

-----X  
JESUS CRUZ,Plaintiffs designate  
SUFFOLK COUNTY  
as place of trial.

Plaintiff,

-against -

The basis of venue is  
Defendant's residence  
address

SHAWN GARNER,

SUMMONS

Defendant.

Plaintiff's residence  
address is 3124 Headdress  
Dr., Kissimmee, Fl. 34746-----X  
To the above-named defendants:

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case your failure to appear or answer, judgement will be taken for the relief demanded herein.

**A COPY OF THIS SUMMONS WAS FILED WITH THE CLERK OF THE COURT, SUFFOLK COUNTY ON \_\_\_\_\_ IN COMPLIANCE WITH CPLR §§305(a) AND 306(a).**

Dated: New York, New York  
August 14, 2019

MERSON LAW, PLLC

By: 

Jordan K. Merson  
Attorneys for Plaintiff  
150 East 58<sup>th</sup> Street 34<sup>th</sup> Floor  
New York, New York 10155  
(212) 603-9100

TO:  
**SHAWN GARNER**  
17 Jefferson Ave, Amityville  
New York 11701

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

Index No.: \_\_\_\_\_/19

-----X  
JESUS CRUZ,

Plaintiff,

-against -

**VERIFIED  
COMPLAINT**

SHAWN GARNER,

Defendant.

-----X  
**COMPLAINT AND JURY TRIAL DEMANDED**

Plaintiff **JESUS CRUZ** (hereinafter "Plaintiff" or "Mr. Cruz") by and through his counsel Merson Law, PLLC, and as for his Complaint in this action against Defendant **SHAWN GARNER** (hereinafter "defendant" or "Mr. Garner") hereby alleges the following:

**FACTS OF THE CASE**

1. Beginning when Plaintiff was approximately 10 years old, Defendant Shawn Garner sexually abused him approximately three times.
2. Defendant was Plaintiffs' Uncle, and Defendant abused Plaintiff while Plaintiff visited his home in Brentwood, New York and at the beach.
3. At all times mentioned herein, Defendant was married to Plaintiff's Aunt.
4. When Plaintiff was approximately ten years old, Defendant acting under the guise of play fighting in the ocean, groped Plaintiff's penis.
5. One night when Plaintiff was pretending to be sleeping at Defendant's Brentwood, New York home, Defendant entered into the room with his genitals exposed and attempted to molest Plaintiff. Plaintiff continued to move around, making it difficult for

Defendant to continue to molest him, until Defendant moved on to molesting Plaintiff's brother and cousin.

6. Defendant attempted to molest Plaintiff in his sleep one other time, but Plaintiff was able to lay tightly on his stomach preventing Defendant from reaching his penis.
7. Plaintiff never confronted Defendant, nor told anyone about the sexual abuse he endured, not only out of fear for the Defendant, but also because of the resulting shame and embarrassment.
8. Plaintiff was always afraid to come forward about the abuse as a child because Defendant was a violent man who constantly screamed at him, threatened to physically assault him, and Plaintiff witnessed Defendant physically assaulting other people including Plaintiff's Aunt.
9. Plaintiff's aunt and mother knew that Defendant sexually abused him, and eventually were able to stop it.
10. In addition to the physical injuries from being assaulted and battered, Mr. Cruz suffered and will continue to suffer permanent psychological trauma for the rest of his life.
11. The predatory, sexual attack on Mr. Cruz by Defendant left him with severe and permanent physical and psychological injuries.

**AND AS FOR A FIRST CAUSE OF ACTION**

**(BATTERY)**

12. Plaintiff repeats reiterates, and reallages each and every allegation contained in those paragraphs of the Complaint marked and designated 1. through 11., inclusive, with the same force and effect as if hereafter set forth at length.



13. From in or about summer of 1993 and continuing through to approximately 1995, Defendant SHAWN GARNER sexually abused Plaintiff by touching his penis and otherwise sexually abusing him.
14. Defendant's predatory, sexual, and unlawful acts against plaintiff, amounted to a series of harmful and offensive contacts to Plaintiff's person all of which were done intentionally by defendant to plaintiff without plaintiff's consent.
15. As a direct and proximate result of the aforementioned batteries, Plaintiff has sustained in the past, and will continue to sustain in the future, physical injury, pain and suffering, serious and severe psychological and emotional distress, mental anguish, embarrassment and humiliation.
16. As a direct and proximate result of the aforementioned batteries, Plaintiff has incurred medical expenses and other economic damages, and continues to be in physical pain and suffering, and will be obligated to expend sums of money for medical care and attention in an effort to cure himself of his injuries and to alleviate his pain and suffering, emotional distress, mental anguish, embarrassment and humiliation.
17. Mr. Cruz is unable pursue his usual activities and employment, all due to his physical, psychological, and emotional injuries and damages he sustained due to the aforementioned batteries.
18. By reason of the foregoing, Plaintiff was caused to sustain severe and serious personal injuries, a severe shock to his nervous system, and certain internal injuries, and was caused to suffer severe physical pain and mental anguish as a result thereof, and upon information and belief these injuries are of a permanent and lasting nature; that said

plaintiff was incapacitated from attending his regular activities, and was caused to expend sums of money for medical care on his behalf.

19. By reason of the foregoing, the plaintiff, is entitled to compensatory damages from defendant in such sums as a jury would find fair, just, and adequate, and the plaintiff is further entitled to punitive and exemplary damages from defendant in such sums as a jury would find fair, just and appropriate to deter said defendant and others from future similar conduct.
20. The amount of damages sought exceeds the jurisdiction of all lower courts that would otherwise have jurisdiction.
21. This action falls with exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A SECOND CAUSE OF ACTION**  
**(ASSAULT)**

22. Plaintiff repeats reiterates, and reallages each and every allegation contained in those paragraphs of the Complaint marked and designated 1. through 21., inclusive, with the same force and effect as if hereafter set forth at length.
23. Defendant's predatory, sexual and unlawful acts against Plaintiff created a reasonable apprehension in plaintiff of immediate harmful or offensive contact to plaintiff's person, all of which were done intentionally by defendant to plaintiff without plaintiff's consent.
24. As a direct and proximate result of the aforementioned assault, Plaintiff has sustained in the past, and will continue to sustain in the future, physical injury, pain and suffering, serious and severe psychological and emotional distress, mental anguish, embarrassment and humiliation.

25. As a direct and proximate result of the aforementioned assaults, Plaintiff has incurred medical expenses and other economic damages, and continues to be in physical pain and suffering, and will now be obligated to expend sums of money for medical care and attention in an effort to cure himself of his injuries and to alleviate his pain and suffering, emotional distress, mental anguish, embarrassment and humiliation.
26. Plaintiff continues to be unable, to pursue his usual activities and employment all due to the physical, psychological and emotional injuries and damages she sustained due to the aforementioned assaults.
27. By reason of the foregoing, plaintiff is entitled to compensatory damages from defendant in such sums as a jury would find fair, just and adequate, and the plaintiff, is further entitled to punitive and exemplary damages from defendant in such sums as a jury would find fair, just and appropriate to deter said defendant and others from future similar misconduct.
28. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
29. This action falls within the exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A THIRD CAUSE OF ACTION**  
**(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)**

30. Plaintiff repeats reiterates, and reallages each and every allegation contained in those paragraphs of the Complaint marked and designated 1. through 29., inclusive, with the same force and effect as if hereafter set forth at length.
31. Defendant engaged in outrageous conduct towards plaintiff, with the intention to cause, or with reckless disregard for the probability of causing, plaintiff to suffer severe emotional distress.



32. As a proximate result of the aforementioned assaults, batteries and false imprisonment to Plaintiff, he has suffered and continues to suffer extreme mental distress, humiliation, anguish and emotional and physical injuries, as well as economic losses, all his damage in amounts to be proven at trial.
33. Defendant committed the acts alleged herein maliciously, fraudulently and oppressively with the wrongful intention of injuring plaintiff from an improper and evil motive amounting to malice and in conscious disregard of plaintiff's rights, entitling plaintiff to recover punitive damages in amounts to be proven at trial.
34. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
35. This action falls within the exceptions to Article 16 of the C.P.L.R.

**WHEREFORE**, plaintiff demands judgement against defendant in such sum as a jury would find fair, adequate and just containing the following relief:

- A. A declaratory judgement that the actions, conduct and practices of Defendant complained of herein violated the laws of the State of New York;
- B. An injunction and order permanently restraining Defendant from engaging in such unlawful conduct;
- C. An award of damages in an amount to be determined at trial, plus prejudgment interest, to compensate Plaintiff for all monetary and/or economic harm; harm to his personal and professional reputations and loss of career fulfillment; for all non-monetary and/or compensatory harm, including but not limited to, compensation for physical anguish and mental anguish; all other monetary and/or non-monetary losses suffered by Plaintiff; and that



by reason of the foregoing, Plaintiff sustained damages in a sum, pursuant to C.P.L.R. §3017, which exceeds the jurisdictional limits of all lower courts;

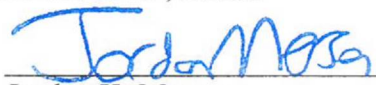
D. An award of punitive damages;

E. An award of costs that Plaintiff has incurred in this action, as well as Plaintiff's reasonable attorney's fees to the fullest extent permitted by law; and.

F. Such other and further relief as this Honorable Court may deem just and proper.

Dated: New York, New York  
August 14, 2019

MERSON LAW, PLLC

By:   
Jordan K. Merson  
Attorney for Plaintiff  
150 East 58<sup>th</sup> Street 34<sup>th</sup> Floor  
New York, New York 10155  
(212) 603-9100

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

Index No.: \_\_\_\_\_/19

JESUS CRUZ,

*Plaintiff,*

-against -

**ATTORNEY  
VERIFICATION**

SHAWN GARNER,

*Defendant.*

JORDAN K. MERSON, an attorney duly admitted to practice in the Courts of New York State, and a member of the firm MERSON LAW, PLLC., attorneys for the plaintiffs in the within action, hereby affirms under penalty of perjury:

That he has read the within complaint and knows the contents thereof, and that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

That the sources of his information and knowledge are investigations and records in the file.

That the reason this verification is made by affirmant and not by the plaintiff is that the Plaintiff is not within the County where the attorney has his office.

Dated: New York, New York  
August 14, 2019



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JORDAN K. MERSON

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Year 2019

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

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JESUS CRUZ,

*Plaintiff,*

*- against -*

SHAWN GARNER

*Defendant.*

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SUMMONS AND VERIFIED COMPLAINT

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Merson Law, PLLC.

*Attorneys for Plaintiff(s)*

*Office and Post Office Address, Telephone*  
150 East 58<sup>th</sup> Street 34<sup>th</sup> Fl.  
New York, New York 10155  
(212) 603-9100

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To: All Parties

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